

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 19-47 are pending; and Claim 36, 41-43, and 47 are amended by the present amendment.

Changes to the claims address minor informalities. Thus, no new matter is added.

The outstanding Official Action rejected Claims 36, 41-43, and 47 under 35 U.S.C. § 101; rejected Claim 36 under 35 U.S.C. § 112, second paragraph; rejected Claims 36, 41-42, and 47 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,075,844 to Goldberg in view of U.S. Patent No. 5,953,393 to Culbreth et al. (hereinafter Culbreth); and indicated Claims 19-35, 37-40, and 44-46 as allowed.

Applicants acknowledge with appreciation the indication of allowed claims.

Claims 36, 41-43, and 47 are amended to recite a computer readable medium, which is statutory subject matter. No new matter is added. Accordingly, Applicants submit that the rejection of Claim 36 under 35 U.S.C. § 101 is rendered moot by the present amendment.

Claim 36 is amended to recite "editing a list, assigned to the transmitting subscriber, by the transmitting subscriber using speech recognition." No new matter is added. Accordingly, Applicants submit that the rejections under 35 U.S.C. § 112, second paragraph is rendered moot by the present amendment.

Applicants respectfully traverse the rejections of the claims under 35 U.S.C. § 103(a) for the following reasons.

Claim 36 is directed to a computer readable medium, including computer executable instructions that cause a processor that executes the instructions to connect a message exchange to a telephone network having a plurality of subscribers. When the computer executable instructions are executed, the message exchange performs a method including,

inter alia, editing a list, assigned to a transmitting subscriber, by the transmitting subscriber using speech recognition.

Turning now to the applied reference, Goldberg describes a messaging system where a sending party records a message on a recording device, and the message is downloaded onto the sending party's computer for transmission.¹ When recording the message, the sending party precedes the actual message with a message header used for identification of the addressee of the message. When the message with the message header is downloaded to the sending party's computer, speech recognition software is used to identify the addressee listed in the message header.²

Goldberg further describes that the message header may contain the names of one or more addressees.³ If the name of an addressee is incorrectly recognized, the sending party can re-record the message header and download the recorded header onto the sending party's computer, or alternatively, the sending party can manually input the information into the computer.⁴

Claim 36 is distinguishable over Goldberg as the applied reference fails to disclose or suggest *editing a list, assigned to the transmitting subscriber, by the transmitting subscriber using speech recognition*. Applicants submit that as required by Claim 36, the transmitting subscriber uses speech recognition to edit the list.

The outstanding Official Action identifies the recorded message header of Goldberg as Applicants' claimed list.⁵ As discussed above, Goldberg merely describes that when the names in a message header are incorrectly identified, the sending party can re-record the message header. Although speech recognition software is used to recognize a re-recorded

¹ See Goldberg at column 3, lines 28-42.

² See Goldberg at column 3, lines 42-54.

³ See Goldberg at column 9, lines 5-12.

⁴ See Goldberg at column 6, lines 26-34.

⁵ See Official Action of May 4, 2007 at page 3, paragraph 3.

message header when the sending party downloads the message to the computer,⁶ Goldberg fails to disclose or suggest that the sending party *uses speech recognition* when re-recording the names in the message header. That is, the sending party uses a recording device to re-record the message header and subsequently downloads the message from the recording device to the sending party's computer.⁷

Furthermore, when the names in a message header are incorrectly identified, the sending party may manually input the correct names using the sending party's computer. However, the sending party is not *using speech recognition* when the sending party manually inputs the names in the computer.

Additionally, the outstanding Official Action acknowledges that Goldberg does not disclose *inquiring the addressee to determine if a reply is to be sent to the transmitting subscriber*. To cure this deficiency, the outstanding Official Action relies on Culbreth.⁸ However, Culbreth does not cure the deficiencies of Goldberg discussed above.

Accordingly, Applicants respectfully submit that Goldberg and Culbreth fail to disclose or suggest all the features of Claim 36. Thus, Applicants respectfully request that the rejection of Claim 36, and the claims depending therefrom, under 35 U.S.C. § 103(a) be withdrawn.

⁶ See Goldberg at column 6, lines 30-35.

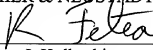
⁷ See Goldberg at column 3, lines 28-30 and column 5, lines 32-37.

⁸ See Official Action of May 4, 2007 at page 4, lines 16-19.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the present invention patentably distinguishes over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)

Remus F. Fetea, Ph.D.
Registration No. 59,140

JKK:RFF:SP\la